

Appl. No. 10/015,959
Response Dated August 19, 2005
Reply to Office Action of April 19, 2005

REMARKS

Claims 1-21 stand in this application. Claims 1, 11, 13, 15, 17, and 18 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Claims 1, 11, 12, 13, 14, 15, and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,453,357 to Crow et al. ("Crow"). Applicant respectfully traverses the rejection.

While Applicant disagrees with the broad grounds of rejection presented in the Office Action, Applicant has amended the independent claims in order to expedite prosecution on the merits.

Independent claim 1 has been amended to recite "determining whether all packet fragments for said packet have been received by indexing said offset value in a verification table."

Independent claim 11 has been amended to recite "wherein said verification module is to determine whether all packet fragments for said packet have been received by indexing said offset value in a verification table."

Independent claim 13 has been amended to recite "wherein said intermediate node is further adapted to index offset values from each packet fragment in a verification table to determine whether all packet fragments for said packet have been received."

Independent claim 15 has been amended to recite "wherein said platform is further adapted to index offset values from each packet fragment in a verification table to determine whether all packet fragments for said packet have been received."

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Independent claim 18 has been amended to recite "wherein the stored instructions, when executed by a processor, further result in indexing offset values from each packet fragment in a verification table to determine whether all packet fragments for said packet have been received."

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. *See e.g.*, MPEP § 2131. Applicant submits that Crow fails to teach each and every element recited in independent claims 1, 11, 13, 15, and 18, as amended. Applicants submit that claims 1, 11, 13, 15, and 18 are allowable for at least this reason and that claims 12 and 14 are allowable by virtue of their dependency, as well as on their own merits.

Accordingly, removal of the § 102(e) rejection of claims 1, 11, 12, 13, 14, 15, and 18 is requested.

Claims 2, 3-10, 16, 17, 19, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Crow in view of USPN 5,815,516 to Aaker et al. ("Aaker"). Applicant respectfully traverses the rejection.

To form a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See e.g.* MPEP § 2143.03. Applicant submits that Crow and Aaker, taken alone or in combination, fail to teach or suggest each and every element of independent claims 1, 11, 13, 15, and 18, as amended. In particular, Aaker fails to remedy the above-identified deficiencies of Crow regarding independent claims 1, 11, 13, 15, and 18. As such, Crow and Aaker, taken alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to independent claims 1, 11, 13, 15, and 18.

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Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *See e.g.* MPEP § 2143.03. As such, Crow and Aaker, taken alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect dependent claims 2, 3-10, 16, 17, 19, 20 and 21.

For at least the reasons set forth above, Applicants submit that independent claims 1, 11, 13, 15, and 18 and dependent claims 2, 3-10, 16, 17, 19, 20 and 21 are allowable.

Accordingly, removal of the § 103(a) rejection of claims 2, 3-10, 16, 17, 19, 20 and 21 is requested.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-21 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

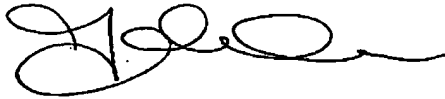
The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

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Respectfully submitted,

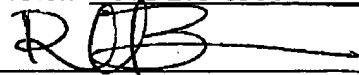
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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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 8/19/05
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Dated: August 19, 2005

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